

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
NOVEMBER 4, 2020**

ITEM 2

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO EXECUTE A GRANT AGREEMENT FOR WORK TO REMEDIATE SEDIMENTATION IN THE ELK RIVER (PROJECT)

DISCUSSION

On June 28, 2016, the State Water Resources Control Board executed grant agreement number D1513103 with California Trout, Inc. for \$638,557, to implement two sediment remediation pilot projects in the Elk River watershed. The agreement was funded with Timber Regulation and Forest Restoration Funds (Timber Funds) appropriated to the State Water Resources Control Board in budget act of fiscal year 2015/2016.

In August 2019, the Grantee notified the State Water Board that the Project could not be completed as described in the grant agreement because of prolonged negotiations with local landowners and government partners including California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS). As a result of discussions with local landowners and government partners, the Grantee proposed a significant deviation to the Project that would change the Project from a sediment remediation implementation project to a planning project.

On February 18, 2020 the State Water Board adopted [Resolution No. 2020-0004](#), approving shifting the implementation project to planning costs consisting of design plans for revegetation, mitigation, and restoration in another area of the Elk River watershed (Modified Planning Project).

The Grantee did not have enough time to complete the Modified Planning Project and on May 28, 2020, grant agreement D1513103 was terminated, and the remaining balance of \$241,334 was disencumbered from the agreement. A Budget Change Proposal was submitted to extend the liquidation period of the fiscal year 2015/2016 Timber Funds awarded to the Grantee. While the Budget Change Proposal was approved and the liquidation period for the fiscal year 2015/2016 Timber Funds was extended, the re-appropriation did not allow re-encumbrance of the funds. Unencumbered grant funds from past Timber Fund appropriations and CWA 319 grants are available to award to the Project to fund the remaining work in the amounts of \$99,000 and \$142,334, respectively.

The Project meets the minimum requirements for the Timber Funds and 319 grant funds, supports the objective of the North Coast Regional Water Quality Control Board to address sediment loading in the North Fork Elk River, and supports the objectives of the 2014-2020 California Nonpoint Source Program Implementation Plan.

The North Coast Regional Water Quality Control Board (North Coast Regional Board) is the lead agency under CEQA for the Project. The North Coast Regional Board approved a Notice of Exemption (NOE) for the Project and filed it with the Humboldt County Clerk on September 4, 2018. The State Water Board is a responsible agency under CEQA. This Project is categorically exempt under the exemption for feasibility and planning studies (California Code of Regulations, Title 14, Division 6, Chapter 3, Article 18, Section 15262).

The Project will not result in any significant adverse water quality impacts.

POLICY ISSUE

None

FISCAL IMPACT

The Project will be funded with unencumbered grant funds from past Timber Fund appropriations and CWA 319 grants.

REGIONAL BOARD IMPACT

There will be no impact to the North Coast Regional Water Quality Control Board.

STAFF RECOMMENDATION

The State Water Board should:

1. Authorize the Executive Director or designee to execute a grant agreement for the Project, execute any amendments thereto, and to perform all tasks necessary to implement the agreement.